



A DOCPHOENIX

APPL PARTS

____ IMIS ____
Internal Misc. Paper

____ LET. ____
Misc. Incoming Letter

____ 371P ____
PCT Papers in a 371 Application
26 102 03A... 3

____ ABST ____
Amendment Including Elections
Abstract

____ ADS ____
Application Data Sheet

____ AF/D ____
Affidavit or Exhibit Received

____ APPENDIX ____
Appendix

____ ARTIFACT ____
Artifact

____ BIB ____
Bib Data Sheet

____ CLM ____
Claim

____ COMPUTER ____
Computer Program Listing

____ CRFL ____
All CRF Papers for Backfile

____ DIST ____
Terminal Disclaimer Filed

____ DRW ____
Drawings

____ FOR ____
Foreign Reference

____ FRPR ____
Foreign Priority Papers

____ IDS ____
IDS Including 1449

____ NPL ____
Non-Patent Literature

____ OATH ____
Oath or Declaration

____ PET. ____
Petition

____ RETMAIL ____
Mail Returned by USPS

____ SEQLIST ____
Sequence Listing

____ SPEC ____
Specification

____ SPEC NO ____
Specification Not in English

____ TRNA ____
Transmittal New Application

____ CTNF ____
Count Non-Final

____ CTRS ____
Count Restriction

____ EXIN ____
Examiner Interview

____ M903 ____
DO/EO Acceptance

____ M905 ____
DO/EO Missing Requirement

____ NFDR ____
Formal Drawing Required

____ NOA ____
Notice of Allowance

____ PETDEC ____
Petition Decision

OUTGOING

____ CTMS ____
Misc. Office Action

____ 1449 ____
Signed 1449

____ 892 ____
892

____ ABN ____
Abandonment

____ APDEC ____
Board of Appeals Decision

____ APEA ____
Examiner Answer

____ CTAV ____
Count Advisory Action

____ CTEQ ____
Count Ex parte Quayle

____ CTFR ____
Count Final Rejection

INCOMING

____ AP.B ____
Appeal Brief

____ C.AD ____
Change of Address

____ N/AP ____
Notice of Appeal

____ PA.. ____
Change in Power of Attorney

____ REM ____
Applicant Remarks in Amendment

____ XT/ ____
Extension of Time filed separate

Internal

____ SRNT ____
Examiner Search Notes

____ CLMPTO ____
PTO Prepared Complete Claim Set

____ ECBOX ____
Evidence Copy Box Identification

____ WCLM ____
Claim Worksheet

____ WFEE ____
Fee Worksheet

File Wrapper

____ FWCLM ____
File Wrapper Claim

____ IIFW ____
File Wrapper Issue Information

____ SRFW ____
File Wrapper Search Info

BACKFILE DOCUMENT INDEX SHEET

92-28-03 1724

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

I hereby certify that this correspondence is being deposited with the United States Postal Service as express mail in an envelope addressed to:
Assistant Commissioner for Patents, Washington, D.C. 20231, on **February 26, 2003**.

Teresa Walls
Teresa Walls

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Fred S. Miller, et al.

Serial No.: 09/394,159

Filing Date: September 13, 1999

For: SOLID PHASE MICROEXTRACTION
DEVICE USING AEROGEL

Examiner: I. Clintins

Group Art Unit: 1724

**RESPONSE TO OFFICE ACTION
MAILED December 11, 2002**

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the Office Action mailed December 11, 2002, please amend the
above-identified application in the following manner:

IN THE CLAIMS

Please cancel Claim 23.

REMARKS

Claim Rejections Under 35 U.S.C. §112, first paragraph

In the December 11, 2002 Office Action (hereinafter referred to as "the Office Action"), the examiner rejected Claims 1, 3-12, 21, and 23 under 35 U.S.C. § 112 on the bases that the claim limitation "that the support structure is attached 'to the plunger portion of a syringe (claim 1, last line)' does not appear to be supported by the

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disclosure originally filed, and hence constitutes new matter.” Applicants respectfully traverse this rejection and submit that when Figure 4 of Applicants’ specification is viewed in light of page 10, lines 23-25 and page 11, lines 1-12 of Applicants’ specification, it is clear that the support structure 44 is attached to the plunger 52 of the syringe and not the needle 56 of the syringe. “The SPME device 40 is a support structure 44 with an aerogel collection substrate 46 at the end....The SPME device 40 is mounted to the top of the plunger 52 and may be enclosed in a metal sleeve 60 to protect the device 40 from damage. The device 40 extends through the plunger 52 and the needle 56 and moves longitudinally as the plunger 52 slides within the barrel 50.” (See Applicants’ specification page 10, lines 23-26; page 11, lines 5-8; and Figure 4; *emphasis added*)

Applicants respectfully submit that sufficient support can be found in Applicants’ specification as cited above to support the limitation of Claim 1 that “said support structure is attached to the plunger portion of a syringe.”